

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CYNTHIA HENDRICKS MILLER,
pro se,

Plaintiff,

v

DONALD WILLIAMSON, *et al*,

Defendants.

Case No. 07-14599

HONORABLE ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE

VIRGINIA M. MORGAN
MAGISTRATE JUDGE

ORDER OF DISMISSAL

This matter comes before the Court on the Plaintiff's Application to Proceed *in forma pauperis* [DE 2], and the Court's Order to Show Cause [DE 3] issued on November 5, 2007. Plaintiff did not respond to the Show Cause Order, filing only a Motion for Objection, which contained numerous discovery requests.

Having reviewed Plaintiff's Complaint and Motion for Objection, this Court is DISMISSING the Complaint pursuant to 28 U.S.C.A § 1915(e)(2). While Plaintiff's *pro se* complaint should be liberally construed, *see Franklin v. Rose*, 765 F.2d 82, 84 (6th Cir.1985) (*per curiam*), this Court finds that Plaintiff has failed to state a claim upon which relief may be granted.

Section 1915(e) permits a court to screen complaints brought *in forma pauperis*. It states that "the court shall dismiss the case at any time if the court determines that . . . the action or appeal . . . fails to state a claim on which relief may be granted." *Brown v. Bargery*, 207 F.3d 863, 866 n.2 (6th Cir. 2000) (quoting 28 U.S.C.A § 1915(e)(2)).

The standard is the same as that of Federal Rule of Civil Procedure 12(b)(6):

Dismissal of a complaint for the failure to state a claim on which relief may be granted is appropriate only if it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claim that would entitle him to relief .

Thomas v. Eby 481 F.3d 434, 437 (6th Cir. 2007) (citing *Brown*, 207 F.3d at 867). A court must “construe the complaint in the light most favorable to the plaintiff [and] accept all well-pleaded factual allegations as true.” *Id.* (citing *Trzebuckowski v. City of Cleveland*, 319 F.3d 853, 855 (6th Cir.2003)). Finally, pleadings filed by *pro se* litigants are held “to less stringent standards than formal pleadings drafted by lawyers.” *Id.* (citing *Haines v. Kerner*, 404 U.S. 519, 520 (1972)).

In this case, Plaintiff’s failure to respond directly to the Order to Show Cause forces the Court to rely solely on her Complaint. Accepting all the factual allegations in Plaintiff’s Complaint as true, the Complaint provides no support to find to find a Constitutional violation, or any other claim upon which relief may be granted.

Because Plaintiff’s Application and supporting affidavit indicates that she is entitled to *in forma pauperis* status,

IT IS ORDERED that Plaintiff’s Application to Proceed *In Forma Pauperis* be GRANTED. However, for the foregoing reasons,

IT IS FURTHER ORDERED that this case be DISMISSED.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow
United States District Judge

Dated: January 15, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 15, 2008, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR

Case Manager